



General Assembly

February Session, 2012

***Amendment***

LCO No. 3549

**\*SB0036403549SD0\***

Offered by:

SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Senate Bill No. 364

File No. 280

Cal. No. 230

***"AN ACT CONCERNING TRAFFIC STOP INFORMATION."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 54-1m of the 2012 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective July 1, 2012*):

6 (a) Each municipal police department and the Department of  
7 Emergency Services and Public Protection shall adopt a written policy  
8 that prohibits the stopping, detention or search of any person when  
9 such action is solely motivated by considerations of race, color,  
10 ethnicity, age, gender or sexual orientation, and [the] such action  
11 would constitute a violation of the civil rights of the person.

12 (b) Not later than July 1, 2013, the Office of Policy and Management,  
13 in consultation with the Racial Profiling Prohibition Project Advisory  
14 Board established in section 2 of this act, and the Criminal Justice  
15 Information System Governing Board shall, within available resources,

16 develop and implement a standardized method:

17 (1) To be used by police officers of municipal police departments  
18 and the Department of Emergency Services and Public Protection to  
19 record traffic stop information. The standardized method and any  
20 form developed and implemented pursuant to such standardized  
21 method shall allow the following information to be recorded: (A) Date  
22 and time of the stop; (B) location of the stop; (C) name and badge  
23 number of the police officer making the stop; (D) race, color, ethnicity,  
24 age and gender of the operator of the motor vehicle that is stopped,  
25 provided the identification of such characteristics shall be based on the  
26 observation and perception of the police officer responsible for  
27 reporting the stop; (E) the nature of the alleged traffic violation or  
28 other violation that caused the stop to be made and the statutory  
29 citation for such violation; (F) the disposition of the stop including  
30 whether a warning, citation or summons was issued, whether a search  
31 was conducted and whether a custodial arrest was made; and (G) any  
32 other information deemed appropriate. The method shall also provide  
33 for (i) notice to be given to the person stopped that if such person  
34 believes that such person has been stopped, detained or subjected to a  
35 search solely because of race, color, ethnicity, age, gender, sexual  
36 orientation, religion or membership in any other protected class, such  
37 person may file a complaint with the appropriate law enforcement  
38 agency, and (ii) instructions to be given to the person stopped on how  
39 to file such complaint;

40 (2) To be used to report complaints pursuant to this section by any  
41 person who believes such person has been subjected to a motor vehicle  
42 stop by a police officer solely on the basis of race, color, ethnicity, age,  
43 gender, sexual orientation or religion; and

44 (3) To be used by each municipal police department and the  
45 Department of Emergency Services and Public Protection to report  
46 data to the Office of Policy and Management pursuant to subsection  
47 (h) of this section.

48       (c) Not later than July 1, 2013, the Office of Policy and Management,  
49       in consultation with the Racial Profiling Prohibition Project Advisory  
50       Board, shall develop and implement guidelines to be used by each  
51       municipal police department and the Department of Emergency  
52       Services and Public Protection in (1) training police officers of such  
53       agency in the completion of the form developed and implemented  
54       pursuant to subdivision (1) of subsection (b) of this section, and (2)  
55       evaluating the information collected by police officers of such  
56       municipal police department and the Department of Emergency  
57       Services and Public Protection pursuant to subsection (e) of this section  
58       for use in the counseling and training of such police officers.

59       [(b) Each] (d) On and after July 1, 2013, each municipal police  
60       department and the Department of Emergency Services and Public  
61       Protection shall, [using the form developed and promulgated pursuant  
62       to subsection (h)] if a standardized method and form have been  
63       developed and implemented pursuant to subdivision (1) of subsection  
64       (b) of this section, record and retain the [following information: (1) The  
65       number of persons stopped for traffic violations; (2) characteristics of  
66       race, color, ethnicity, gender and age of such persons, provided the  
67       identification of such characteristics shall be based on the observation  
68       and perception of the police officer responsible for reporting the stop  
69       and the information shall not be required to be provided by the person  
70       stopped; (3) the nature of the alleged traffic violation that resulted in  
71       the stop; (4) whether a warning or citation was issued, an arrest made  
72       or a search conducted as a result of the stop; and (5)] information  
73       required to be recorded pursuant to such standardized method and  
74       any additional information that such municipal police department or  
75       the Department of Emergency Services and Public Protection, as the  
76       case may be, deems appropriate, provided such information [does]  
77       shall not include any other identifying information about any person  
78       stopped for a traffic violation such as the person's operator's license  
79       number, name or address.

80       [(c)] (e) Each municipal police department and the Department of  
81       Emergency Services and Public Protection shall provide to the Chief

82 State's Attorney and the [African-American Affairs Commission]  
83 Office of Policy and Management (1) a copy of each complaint received  
84 pursuant to this section, and (2) written notification of the review and  
85 disposition of such complaint. No copy of such complaint shall  
86 [contain] include any other identifying information about the  
87 complainant such as [his or her] the complainant's operator's license  
88 number, name or address.

89 [(d)] (f) Any police officer who in good faith records traffic stop  
90 information pursuant to the requirements of this section shall not be  
91 held civilly liable for the act of recording such information unless the  
92 officer's conduct was unreasonable or reckless.

93 [(e)] (g) If a municipal police department or the Department of  
94 Emergency Services and Public Protection fails to comply with the  
95 provisions of this section, the [Chief State's Attorney may] Office of  
96 Policy and Management shall recommend and the Secretary of the  
97 Office of Policy and Management may order an appropriate penalty in  
98 the form of the withholding of state funds from such municipal police  
99 department or the Department of Emergency Services and Public  
100 Protection.

101 [(f) On or before October 1, 2000] (h) Not later than October 1, 2013,  
102 and annually thereafter, each municipal police department and the  
103 Department of Emergency Services and Public Protection shall, if a  
104 standardized method has been developed and implemented pursuant  
105 to subsection (b) of this section, use such method and any form  
106 developed and promulgated under the method to provide to the [Chief  
107 State's Attorney and the African-American Affairs Commission, in  
108 such form as the Chief State's Attorney shall prescribe,] Office of Policy  
109 and Management a summary report of the information recorded  
110 pursuant to subsection [(b)] (d) of this section.

111 [(g) The African-American Affairs Commission] (i) The Office of  
112 Policy and Management shall, within available resources, review the  
113 prevalence and disposition of traffic stops and complaints reported

114 pursuant to this section. Not later than January 1, [2004] 2014, and  
115 annually thereafter, the [African-American Affairs Commission] office  
116 shall report the results of any such review, including any  
117 recommendations, to the Governor, the General Assembly and [to] any  
118 other entity [said commission deems] deemed appropriate. [the results  
119 of such review, including any recommendations.]

120 (j) Not later than January 1, 2013, the Office of Policy and  
121 Management shall submit a report to the joint standing committee of  
122 the General Assembly having cognizance of matters relating to the  
123 judiciary on the office's progress in developing a standardized method  
124 and guidelines pursuant to this section. Such report may include  
125 recommendations for amendments to this section.

126 [(h) The Chief State's Attorney, in conjunction with the  
127 Commissioner of Emergency Services and Public Protection, the  
128 Attorney General, the Chief Court Administrator, the Police Officer  
129 Standards and Training Council, the Connecticut Police Chiefs  
130 Association and the Connecticut Coalition of Police and Correctional  
131 Officers, shall develop and promulgate: (1) A form, in both printed and  
132 electronic format, to be used by police officers when making a traffic  
133 stop to record the race, color, ethnicity, gender and age of the operator  
134 of the motor vehicle that is stopped, the location of the stop, the reason  
135 for the stop and other information that is required to be recorded  
136 pursuant to subsection (b) of this section; and (2) a form, in both  
137 printed and electronic format, to be used to report complaints  
138 pursuant to this section by persons who believe they have been  
139 subjected to a motor vehicle stop by a police officer solely on the basis  
140 of their race, color, ethnicity, age, gender or sexual orientation.]

141 Sec. 2. (NEW) (*Effective from passage*) (a) There is established, within  
142 available resources, a Racial Profiling Prohibition Project Advisory  
143 Board for the purpose of advising the Office of Policy and  
144 Management with respect to the adoption of standardized methods  
145 and guidelines pursuant to section 54-1m of the general statutes, as  
146 amended by this act. The board shall be within the Office of Policy and

- 147 Management for administrative purposes only.
- 148 (b) The board shall include the following members:
- 149 (1) The Chief State's Attorney, or a designee;
- 150 (2) The Chief Public Defender, or a designee;
- 151 (3) The president of the Connecticut Police Chiefs Association, or a  
152 designee;
- 153 (4) The executive director of the African-American Affairs  
154 Commission, or a designee;
- 155 (5) The executive director of the Latino and Puerto Rican Affairs  
156 Commission, or a designee;
- 157 (6) The executive director of the Asian Pacific American Affairs  
158 Commission, or a designee;
- 159 (7) The executive director of the Commission on Human Rights and  
160 Opportunities, or a designee;
- 161 (8) The Commissioner of Emergency Services and Public Protection,  
162 or a designee;
- 163 (9) The Commissioner of Transportation, or a designee;
- 164 (10) The director of the Institute for Municipal and Regional Policy  
165 at Central Connecticut State University, or a designee; and
- 166 (11) Such other members as the board may prescribe.
- 167 (c) The chairpersons of the joint standing committee of the General  
168 Assembly having cognizance of matters relating to the judiciary shall  
169 select two chairpersons of the board from among the members of the  
170 board."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	54-1m
Sec. 2	<i>from passage</i>	New section